

AN ACT

ENTITLED, An Act to require health insurance coverage for mental illness.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as follows:

Every policy of health insurance that is delivered, issued for delivery, or renewed in this state, except for policies that provide coverage for specified disease or other limited benefit coverage, shall provide, in writing, coverage for the treatment and diagnosis of biologically-based mental illnesses with the same dollar limits, deductibles, coinsurance factors, and restrictions as for other covered illnesses.

As used in this section, biologically-based mental illness means any mental illness which current medical research affirms is caused by a neurobiological disorder of the brain and which substantially impairs perception, cognitive function, judgment, and emotional stability and which limits the life activities of the person with the illness. The term includes schizophrenia; schizo affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder, and other anxiety disorders which cause significant impairment of function; and other disorders proven to be biologically-based mental illnesses.

Section 2. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as follows:

Every group health insurance policy that is delivered, issued for delivery, or renewed in this state, except for policies that provide coverage for specified disease or other limited benefit coverage, shall provide, in writing, coverage for the treatment and diagnosis of biologically-based mental illnesses with the same dollar limits, deductibles, coinsurance factors, and restrictions as for other covered illnesses.

As used in this section, biologically-based mental illness means any mental illness which current

medical research affirms is caused by a neurobiological disorder of the brain and which substantially impairs perception, cognitive function, judgment, and emotional stability and which limits the life activities of the person with the illness. The term includes schizophrenia; schizo affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder, and other anxiety disorders which cause significant impairment of function; and other disorders proven to be biologically-based mental illnesses.

Section 3. That chapter 58-18B be amended by adding thereto a NEW SECTION to read as follows:

Every small employer health benefit plan that is delivered, issued for delivery, or renewed in this state, except for policies that provide coverage for specified disease or other limited benefit coverage, shall provide, in writing, coverage for the treatment and diagnosis of biologically-based mental illnesses with the same dollar limits, deductibles, coinsurance factors, and restrictions as for other covered illnesses.

As used in this section, biologically-based mental illness means any mental illness which current medical research affirms is caused by a neurobiological disorder of the brain and which substantially impairs perception, cognitive function, judgment, and emotional stability and which limits the life activities of the person with the illness. The term includes schizophrenia; schizo affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder, and other anxiety disorders which cause significant impairment of function; and other disorders proven to be biologically-based mental illnesses.

Section 4. That chapter 58-38 be amended by adding thereto a NEW SECTION to read as follows:

Every service or indemnity-type contract issued by a nonprofit medical and surgical service plan corporation that is delivered, issued for delivery, or renewed in this state, except for policies that provide coverage for specified disease or other limited benefit coverage, shall provide, in writing,

coverage for the treatment and diagnosis of biologically-based mental illnesses with the same dollar limits, deductibles, coinsurance factors, and restrictions as for other covered illnesses.

As used in this section, biologically-based mental illness means any mental illness which current medical research affirms is caused by a neurobiological disorder of the brain and which substantially impairs perception, cognitive function, judgment, and emotional stability and which limits the life activities of the person with the illness. The term includes schizophrenia; schizo affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder, and other anxiety disorders which cause significant impairment of function; and other disorders proven to be biologically-based mental illnesses.

Section 5. That chapter 58-40 be amended by adding thereto a NEW SECTION to read as follows:

Every service or indemnity-type contract issued by a nonprofit hospital service plan corporation that is delivered, issued for delivery, or renewed in this state, except for policies that provide coverage for specified disease or other limited benefit coverage, shall provide, in writing, coverage for the treatment and diagnosis of biologically-based mental illnesses with the same dollar limits, deductibles, coinsurance factors, and restrictions as for other covered illnesses.

As used in this section, biologically-based mental illness means any mental illness which current medical research affirms is caused by a neurobiological disorder of the brain and which substantially impairs perception, cognitive function, judgment, and emotional stability and which limits the life activities of the person with the illness. The term includes schizophrenia; schizo affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder, and other anxiety disorders which cause significant impairment of function; and other disorders proven to be biologically-based mental illnesses.

Section 6. That chapter 58-41 be amended by adding thereto a NEW SECTION to read as follows:

Every health maintenance contract that is delivered, issued for delivery, or renewed in this state, except for policies that provide coverage for specified disease or other limited benefit coverage, shall provide, in writing, coverage for the treatment and diagnosis of biologically-based mental illnesses with the same dollar limits, deductibles, coinsurance factors, and restrictions as for other covered illnesses.

As used in this section, biologically-based mental illness means any mental illness which current medical research affirms is caused by a neurobiological disorder of the brain and which substantially impairs perception, cognitive function, judgment, and emotional stability and which limits the life activities of the person with the illness. The term includes schizophrenia; schizo affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder, and other anxiety disorders which cause significant impairment of function; and other disorders proven to be biologically-based mental illnesses.

Section 7. The provisions of this Act do not apply to any plan, policy, or contract that provides coverage only for:

- (1) Specified disease;
- (2) Hospital indemnity;
- (3) Fixed indemnity;
- (4) Accident-only;
- (5) Credit;
- (6) Dental;
- (7) Vision;
- (8) Prescription drug;
- (9) Medicare supplement;
- (10) Long-term care;
- (11) Disability income insurance;

- (12) Coverage issued as a supplement to liability insurance;
- (13) Workers' compensation or similar insurance;
- (14) Automobile medical payment insurance; or
- (15) Individual health benefit plans of six-months duration or less that are not renewable.

An Act to require health insurance coverage for mental illness.

=====

I certify that the attached Act
originated in the

HOUSE as Bill No. 1262

Chief Clerk
=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1262

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State